

ROBINS, KAPLAN, MILLER & CIRESI LLP

499 PARK AVENUE
SUITE 1200
NEW YORK, NY 10022-1240
TEL: 212-980-7400 FAX: 212-980-7499
www.rkmc.com

ATTORNEYS AT LAW

MEMO ENDORSED

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/16/10
--

April 15, 2010

HILLEL I. PARNES
212-980-7464
hiparnes@rkmc.com

BY HAND

Hon. Denise Cote
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

**RE: IN RE APPLICATION OF MOBITV, INC., 09 CIV. 7071, RELATED TO UNITED STATES
V. AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS, 41 CIV. 1395**

Dear Judge Cote:

We represent the American Society of Composers, Authors and Publishers ("ASCAP") in the above-captioned matter. Pursuant to Your Honor's instructions, please find enclosed ASCAP's and MobiTV, Inc.'s ("Mobi") joint proposed redactions to the following documents:

1. ASCAP's Reply Memorandum of Law in Support of its Motion *In Limine* to Strike Portions of the Declaration of Roger Noll Not Contained in his Expert Report and Rebuttal Report;
2. ASCAP's Memorandum of Law in Further Support of its Motion *In Limine* to Strike Paragraphs 23-30, 36, Table 1 and Appendices A-H to the Declaration of Paul Vidich; and
3. Declaration of Jordan S. Paul in Support of ASCAP's Reply Memorandum of Law in Further Support of its Motion *In Limine* to Strike Paragraphs 23-30, 36, Table 1 and Appendices A-H to the Declaration of Paul Vidich.

As with previous joint proposed redactions, ASCAP's proposed redactions appear in yellow highlight and have been flagged with a yellow tab and Mobi's proposed redactions appear in blue highlight with a corresponding blue tab. Also, consistent with previous submissions, we have enclosed tables detailing the proposed redactions for each document listed above. The tables organize each proposed redaction by page number and paragraph number (where applicable in numbered paragraph documents). The "Proposed Redaction" column lists the proposed redacted material or denotes "ENTIRE PARAGRAPH" if a party has proposed the

Hon. Denise Cote

April 15, 2010

Page 2

redaction of an entire paragraph. The tables also contain a column titled "Objection," indicating whether a party has an objection to a proposed redaction. The last column, titled "Ruling," is provided for the Court's convenience to indicate its ruling for each proposed redaction.

As discussed in the April 1, 2010 telephone conferences with the Court, both parties have made efforts to redact all confidential third party information protected by the Protective Order. In accordance with the Court's guidance in other matters, however, the parties respectfully request that, once the Court has made its rulings, there be an opportunity to advise the Court of any remaining potential third-party confidential information. Furthermore, the parties respectfully request the opportunity to be heard on any objections the parties may have to the Court's rulings on any of the proposed redactions.

Respectfully submitted,



Hillel I. Parness

Enclosures

cc: Richard H. Reimer, Christine Pepe
David Leichtman, Bryan J. Vogel, Oren D. Langer
Kenneth Steinthal, Joseph Wetzel, Harris Cohen, Matthew Reagan

Approved-
Denise Cote
April 16, 2010